

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
5

6 UNITED STATES OF AMERICA,)

7 Plaintiff,)

8 vs.)

9 DONALD S. TOOMER,)

10 Defendant.)

2:17-cr-00193-HDM-CWH

**ORDER FOR PREPARATION
OF JURY INSTRUCTIONS**

11 All proposed jury instructions are required to be filed and served by **Tuesday, March 12,**
12 **2019.** Jury instructions are to be submitted in the following format:

13 (a) The parties shall jointly submit one set of agreed upon instructions. To
14 accomplish this, the parties shall serve their proposed instructions on each other two
(2) weeks prior to the trial. The parties shall then meet, confer, and submit to the
Court one complete set of agreed instructions.

15 (b) If the parties cannot agree upon one complete set of instructions, they shall
16 submit one set of those instructions that have been agreed upon, and each party shall
submit a supplemental set of instructions which are not agreed upon.

17 (c) These joint instructions and supplemental instructions shall be filed five
18 (5) days prior to the trial. Each party shall then file, two (2) days before trial, any
19 objections to the non-agreed upon instructions proposed by the other party. All
objections shall be in writing and shall set forth the proposed instruction objected to
20 in its entirety. The objection should then specifically set forth the objectionable
material in the proposed instruction. The objection shall contain citation to authority
21 explaining why the instruction is improper and a concise statement of argument
concerning the instruction. Where applicable, the objecting party shall submit an
alternative instruction.

22 (d) The parties shall submit the proposed joint set of instructions and
23 proposed supplemental instructions in the following format:

24 (i) there must be two (2) copies of each instruction;

25 (ii) the first copy shall indicate the number of the proposed instruction
and the authority supporting each instruction; and
26
27
28

1 (iii) the second copy shall contain only the proposed instruction –
2 there should be no other marks or writings on the second copy except for the word
“Instruction # ____ “ in the bottom margin.

3 (e) On the day of trial, the parties may submit a concise argument supporting
4 the appropriateness of each party’s proposed instructions to which the other party
objected.

5 (f) All instructions should be short, concise, understandable, and neutral
6 statements of law. Argumentative or formal instructions are improper, will not be
given, and should not be submitted.

7 (g) Parties should also note that any modifications of instructions from
8 statutory authority, Ninth Circuit Manual of Model Jury Instructions, O’Malley,
9 Grenig and Lee Federal Jury Practice and Instructions, or any other form instructions,
must specifically state the modification made to the original form instruction and the
authority supporting the modification.

10 (h) Failure to comply with any of the above instructions may subject the
11 noncomplying party and/or counsel to sanctions.

12 (i) Using **WordPerfect or Word** software, counsel shall submit to the Court
13 proposed jury instructions without citations: one document containing the joint jury
14 instructions, one document for the plaintiff’s proposed instructions, and one
document for the defendant’s proposed instructions. Proposed jury instructions shall
be submitted via email and addressed to paris_rich@nvd.uscourts.gov.

15 The Court further orders the Clerk to serve copies of this Order on all parties.

16 The date of the Clerk's file mark shall constitute the date of this Order.

17 **IT IS SO ORDERED.**

18 /s/
19 _____
20 HOWARD D. McKIBBEN
21 SENIOR U.S. DISTRICT JUDGE
22
23
24
25
26
27
28